

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ERIC TAUBMAN, WILLIAM MAYER, and,  
FIRST NATIONAL LAND DEVELOPMENT  
COMPANY OF NEW YORK, LLC,

Plaintiffs,

- against -

ZOHAR COHEN a/k/a ZOHAR ABIKZER, COHEN  
BRAFFITS ESTATE DEVELOPMENT, LLC,  
THOMAS WILLIAMS, BRAFFITS MOUNTAIN  
LIQUIDATION UNIT, LLC,

Defendants.

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT - E.D.N.Y.

★ APR 05 2016 ★

LONG ISLAND OFFICE

Civ. Action No. 2:15-cv-05995 (ADS)

**STIPULATION AND ORDER  
OF REMAND**

Plaintiffs Eric Taubman, William Mayer, and First National Land Development Company of New York, LLC and Defendants Zohar Abikzer Cohen, Cohen Braffits Estate Development, LLC ("CBED"), and Thomas Williams hereby respectfully submit the following stipulation consenting to the remand of this action to the Supreme Court of the State of New York, Nassau County.

**WHEREAS**, on or about August 15, 2015, Plaintiffs commenced an action in the New York Supreme Court, Nassau County, index No. 605266/2015 (Hon. Timothy S. Driscoll, J.S.C.);

**WHEREAS** on or about October 19, 2015, Defendant Cohen timely removed the action to this Court [ECF Doc. No. 1] on the grounds that the action was core or related to the pending bankruptcy in the United States Bankruptcy Court for the District of Nevada of a property in Utah known as Braffits Mountain, docket number 12-19780-led (the "Bankruptcy");

**WHEREAS** Braffits Mountain Liquidation Unit, LLC has put in no appearance;

**WHEREAS** on March 31, 2016, the United States Bankruptcy Court for the District of Nevada entered an order closing the Bankruptcy;

**WHEREAS** on or about October 30, 2015, Abraham Kleinman (“Proposed Intervenor”) filed a motion to intervene in the instant matter [ECF Doc. Nos. 12, 13];

**WHEREAS** the Proposed Intervenor filed an action against CBED, Cohen, and Williams currently pending in the New York Supreme Court, Rockland County, index number 033699/2015, asserting allegations related to, in part, the Braffits Mountain property;

**IT IS HEREBY STIPULATED AND ORDERED**, as follows:

1. This matter is remanded **FORTHWITH** to the New York Supreme Court, Nassau County, Index No. 605266/2015 (Hon. Timothy S. Driscoll, J.S.C.) and Defendants Cohen, CBED, and Williams opposition to the remand, if any, is withdrawn;
2. Defendants Cohen, CBED, and Williams withdraw any pending motions to refer this matter to the United States Bankruptcy Court for the Eastern District of New York; and
3. The parties will bear their own legal fees and costs incurred in connection with proceedings before this Court.

Dated: April 4, 2016

**MICHAEL L. PREVITO, ESQ.**

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*Attorneys for Defendant Thomas Williams*

*Case closed. In light of the  
above stipulation, the status conference  
scheduled for Friday April 8 is canceled.*

**SO ORDERED:**

s/ Arthur D. Spatt

Arthur D. Spatt  
The Hon. Arthur D. Spatt, U.S.D.J.

Dated: Central Islip, New York

April 5, 2016